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Protection

California Regional Water Quality Control Board

Los Angeles Region

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Mr. Patrick Russell
Sares Regis Group
18802 Baren Avenue
Newport Beach, CA 92612

WATER QUALITY CERTIFICATION FOR PROPOSED CENCO SITE, SANTA FE SPRINGS, SAN GABRIEL RIVER, CITY OF SANTA FE SPRINGS, LOS ANGELES COUNTY (File No. 04-098)

Dear Mr. Russell:

Regional Board staff has reviewed your request on behalf of the Sares Regis Group (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 28, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Ms. Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

_____[Original Signed by]_____
Jonathan Bishop
Executive Officer

September 21, 2004
Date

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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ATTACHMENT A

Project Information File No. 04-098

1. Applicant: Patrick Russell
Sares Regis Group
18802 Bareen Avenue
Newport Beach, CA 92612

Phone: (949) 809-2414 Fax: (949) 862-2214
2. Applicant's Agent: Darlene A. Shelley
Glenn Lukos Associates
29 Orchard
Lake Forest, CA 92630-8300

Phone: (949) 837-0404 x24 Fax: (949) 837-5834
3. Project Name: Cenco Site
4. Project Location: The property is located on the east side of Bloomfield Avenue between Florence Avenue to the north, Lakeland Road to the south and the Burlington Northern Santa Fe Railroad (BNSF) track to the east.

Santa Fe Springs, Los Angeles County

Longitude: 118° 3' 45"W; Latitude: 33° 56' 1"N

USGS Quadrangle Whittier Township 3 South Range 11 West
5. Type of Project: Commercial Building
6. Project Description: *Purpose:*

The project is the implementation of Tentative Parcel Map No. 060741 that consist of eight parcels ranging in size from 1.18 acres to 5.05 acres totaling approximately 26 acres.

Description:

The City has approved the construction of eight concrete tilt-up industrial buildings totaling approximately 383,277 square feet (one building per parcel) within the Consolidated Redevelopment Project area of the City of Santa Fe Springs. The impacts to waters of the U.S. are located in the southeasterly corner of Building 8.

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The property is adjacent to a former oil tank field, which is now a barren dirt lot. The site is highly disturbed as it was once a former oil tank field and is sparsely vegetated with ruderal, exotic vegetation. Located on the southwesterly corner of the property is the remnant of a blue-line ephemeral stream. Flows enter the property from an existing storm drain system and continue southwesterly across the corner of the property before flowing into an existing storm drain system. The property is entirely surrounded by commercial industrial property and railroad tracts isolate the remnant ephemeral stream.

A Biological Constraints Analysis was conducted on April 28, 2004, to address potential impacts to special-status species and habitats.

The property is highly disturbed and is dominated by ruderal, exotic vegetation. Native vegetation is restricted on site to approximately 295 linear feet within the stream area. A culvert empties hard-pavement runoff into the channel, which flows into a storm drain on Lakeland Road. The channel is comprised of cattails, rumex and bent-grass. Patch clumps of castor bean and an exotic palm grow along the channel edge. Several species of ornamental trees, such as eucalyptus, have been planted along the sidewalk on Lakeland Road.

No native riparian scrub, native trees, oak woodlands, vernal pools coastal scrub or native needlegrass grassland vegetation were observed on or adjacent to the property.

Development of the approved eight industrial buildings will result in the filling of the remnant 295 linear foot blue-line stream (0.09 acres of jurisdictional acres).

- | | |
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| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 39 |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |

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|--|--|
| 9. California Environmental Quality Act (CEQA) Compliance: | The Planning Commission of the City of Santa Fe Springs approved the project's Addendum to the Subsequent Final Environmental Impact Report on May 17, 2004. |
| 10. Receiving Water: | San Gabriel River (Hydrologic Unit No. 405.15) |
| 11. Designated Beneficial Uses: | MUN*, IND, NAV, REC-1, REC-2, COMM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL

*Conditional beneficial use |
| 12. Impacted Waters of the United States: | Federal jurisdictional wetlands: 0.09 permanent acres [295 linear feet] |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Diversion of runoff around disturbed soils the use silt fencing, sandbags, construction of temporary drains and swales, construction of V-ditches;• Protection of exposed soils and stockpiles from erosive agents (i.e., wind and rain) through the constructing of stockpiles with compacted fill and tracked slopes, and the use of soil binder materials;• Minimization of truck traffic through disturbed areas and sweeping of access areas;• Rapid clean up of fuel and chemical spills;• Conservative use and proper disposal of hazardous wastes; |

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- Conservative use of irrigation water, fertilizers, and pesticides;
- Storm drain stenciling;
- Landscaping;
- Proper recycling and hazardous waste disposal;
- Parking lot and street cleaning; and
- Permanent storm drains, outlet structures, inlet structures, riprap, and terrace drains.

16. Proposed
Compensatory
Mitigation:

The Applicant has proposed to provide funding to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for 0.27 acres of wetland creation, which consists of a 3:1 ratio. The mitigation site will be located within the San Gabriel Watershed. The Mitigation Plan shall be submitted within 90 days of this Certification for approval by the Regional Board.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.

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5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the

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Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

12. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.09 acres** of vegetation within Federal jurisdictional wetlands by creating jurisdictional wetland habitat at a minimum 3:1 area replacement ratio (**0.27 acres**). As an alternative, the Applicant has chosen to provide adequate funding to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for the creation of a total of 0.27 acres of jurisdictional wetlands. The mitigation site shall be located within the San Gabriel River Watershed unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval within 90 days of this Certification being issued and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
13. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
14. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;

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- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) A certified Statement of “no net loss” of wetlands associated with this project; and
 - (f) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
15. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
16. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

(Signature)
(Title)”

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17. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-098**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
18. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
19. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
20. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
21. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification

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to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
22. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.